

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

03/11/2002

CLERK OF THE COURT  
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza  
Deputy

CV 2001-019224

FILED: \_\_\_\_\_

CHARLES ST GEORGE KIRKLAND

CHARLES ST GEORGE KIRKLAND  
2200 W BETHANY HOME RD #6  
PHOENIX AZ 85015-0000

v.

RICK D SHERMAN

RICK D SHERMAN  
15418 N 60TH ST  
SCOTTSDALE AZ 85254-0000

GLENDALE JUSTICE COURT  
REMAND DESK CV-CCC  
ARIZONA STATE BAR  
ATTN: DISCIPLINARY OFFICE  
111 W MONROE, STE. 1800  
PHOENIX AZ 85003-1742

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This case involves an appeal by Appellant, Charles St. George Kirkland, from an order of the Glendale Justice Court on October 19, 2001, wherein the trial judge dismissed an Injunction Against Harassment issued at Appellant's request against Rick D. Sherman, an attorney who was serving as opposing counsel in a lawsuit also involving Appellant. The Injunction Against Harassment had originally been granted October 3, 2001

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after an incident the previous month in Appellant's law office resulted in both attorneys shoving, punching and kicking each other after the conclusion of a deposition. This matter has been under advisement without oral argument and this Court has considered the Memoranda submitted by the parties and the tape recording of the hearing conducted by the trial court.

The first issue raised by Appellant is that the trial court erred in dismissing the Injunction Against Harassment finding that the acts of harassment served a legitimate purpose. A.R.S. Section 12-1809(R) defines harassment as:

... a series of acts over a period of time that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys, or harasses the person and serves no legitimate purpose.

The trial court found that contact between the two attorneys who were still engaged in at least two lawsuits where each served as opposing counsel, serves a "legitimate purpose." The trial court incorrectly concluded that contact between both parties would serve a legitimate purpose, when the statute at issue requires that the series of acts of harassment must serve a legitimate purpose. No legitimate purpose is served by two attorneys behaving immaturely and unprofessionally and assaulting each other. Utilizing any standard of review, it is clear that the trial court erred in construing the statute incorrectly.

IT IS THEREFORE ORDERED reversing the Glendale Justice Court's order of October 19, 2001 dismissing the Injunction Against Harassment.

IT IS FURTHER ORDERED remanding this matter back to the Glendale Justice Court for all further and future proceedings

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with instructions to reinstate the Injunction Against Harassment  
previously issued October 3, 2001 in full force and effect.